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EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/021,783	<b>Applicant(s)</b> SYED
	<b>Examiner</b> David Y. Jung	<b>Art Unit</b> 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12/23/2003.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-89 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-10, 22-26, 32-36, 52-60 and 76-84 is/are allowed.

6)  Claim(s) 11-21, 27-31, 37-51, 61-75 and 85-89 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.7  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-89 are presented. The following discussion of the claims assumes that the dependent claims incorporate the limitations of the claims from which they depend (as noted in 35 USC 112, fourth paragraph) – in contrast to the style of discussion in the “Status of Claims” section of Applicant’s reissue filing. The allowed claims are sometimes indicated with underline.

Claims 1-10, 22-26, 32-36 have been amended so as to now include significant new features. Claims 11-21, 27-31, 37-41 have been amended so as “to make minor editorial changes (according to “Status of Claims” section of reissue filing).” Claims 42-89 are entirely new.

Claims 1-10 (claim 1 and its dependent claims) are allowed.

Claims 11-21 (claim 11 and its dependent claims) are rejected.

Claims 22-26 (claim 22 and its dependent claims) are allowed.

Claims 27-31 (claim 27 and its dependent claims) are rejected.

Claims 32-36 (claim 32 and its dependent claims) are allowed.

Claims 37-41 (claim 37 and its dependent claims) are rejected.

Claims 42-51 are rejected. Claims 43-51 depend from claim 42.

Claims 52-60 are allowed. Claim 52 depends from claim 42. Claims 53-60 depend from claim 52.

Claim 61 is rejected. Claim 61 depends from claim 42.

Claims 62-65 are rejected. Claim 62 depends from claim 42. Claims 63-65 depend from claim 62.

Claims 66-75 are rejected. Claims 67-75 depend from claim 66.

Claims 76-80 are allowed. Claim 76 depends from claim 66. Claims 77-80 depend from claim 76.

Claims 81-84 are allowed. Claim 81 depends from claim 66. Claims 82-84 depend from claim 81.

Claim 85 is rejected. Claim 85 depends from claim 66.

Claims 86-89 are rejected. Claim 86 depends from claim 66. Claims 87-89 depend from claim 86.

## CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rdb.

Regarding claim 11, Rdb teaches "A method for producing a copy of data from a first database, the method comprising the steps of: locking a first set of data in the first database; after locking the first set of data, requesting ... of processes to obtain snapshot times from a database server associated with said first database, wherein the snapshot times cause all subsequent reads of the first database by the plurality of processes to return data from the first database as of said snapshot times; waiting a particular period of time for the plurality of processes to be assigned snapshot times; releasing the locks on the first set of data in the first database; using a successful set of said plurality of processes to extract a copy of the first set of data from the first database, wherein said successful set includes only those processes of the plurality of processes that were assigned a snapshot time within the particular period of time; and storing the copy of the first set of data separate from said first set of data (see passages cited by Applicant himself, especially page 91, Snapshot files)."

Rdb does not specify the number of processes that may be used; Rdb does not teach "plurality of" processes to be requested. Nevertheless, the purpose of having a snapshot is to cause subsequent reads to return from the same state. Because a "read [as in the meaning as used in the claim]" may be broadly read [as in the meaning as in patent law] as a "process"; having more than one read would suggest having more than one process.

While Rdb does not explicitly teach having more than one read, it was well known in the art to have more than one read for the motivation of retrieving the data in a consistent fashion. Thus, it would have been obvious to those of ordinary skill in the art

at the time of the claimed invention to have modify Rdb to have such “plurality of” processes in such situation for the motivation specified in the previous sentences.

Claims 11-21, 27-31, 37-41 have been amended so as “to make minor editorial changes (according to “Status of Claims” section of reissue filing).” Indeed, the changes do not provide for the situation of the data of the second database or the second copy being stored separately from the first database.

Regarding claim 12 (table list, etc.) such features are well known in the art for the purpose of having accuracy and completeness of migration/copying. Regarding claim 13 (planning, etc.), claim 14 (deleting, etc.), claim 15 (flat files, etc.), these features are well known in the art for the purpose of executing the migration/copying. Regarding claims 16-19, 21, these features are well known in the art for the purpose of executing such copying/moving data. Regarding claim 20, while this claim does recite storing the copy of the first set of data as blob files that are separate from the first set of data, this claim does not actually recite an entire copy being stored separately from the first database.

Regarding claim 27, Rdb teaches “A computer-readable medium carrying one or more sequences of one or more instructions for producing a copy of data from a first database, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: locking a first set of data in the first database; after locking the first set of data, requesting a ... of processes to obtain snapshot times from a database server associated with said first database, wherein the snapshot times cause all

subsequent reads of the first database by the ... of processes to return data from the first database as of said snapshot times; waiting a particular period of time for the plurality of processes to be assigned snapshot times; releasing the locks on the first set of data in the first database; using a successful set of said plurality of processes to extract a copy of the first set of data from the first database, wherein said successful set includes only those processes of the plurality of processes that were assigned a snapshot time within the particular period of time; and storing the copy of the first set of data separate from said first set of data (see passages cited by Applicant himself, especially page 91, Snapshot files)."

Rdb does not specify the number of processes that may be used; Rdb does not teach "plurality of" processes to be requested. Nevertheless, the purpose of having a snapshot is to cause subsequent reads to return from the same state. Because a "read [as in the meaning as used in the claim]" may be broadly read [as in the meaning as in patent law] as a "process", having more than one read would suggest having more than one process.

While Rdb does not explicitly teach having more than one read, it was well known in the art to have more than one read for the motivation of retrieving the data in a consistent fashion. Thus, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to have modify Rdb to have such "plurality of" processes in such situation for the motivation specified in the previous sentences.

Regarding claims 28-31, these features are well known in the art for the purpose of executing such copying/moving data.

Regarding claim 37, Rdb teaches "A computer system for producing a copy of data from a first database, the computer system comprising: a memory; one or more processors coupled to the memory; and a set of computer instructions contained in the memory, the set of computer instructions including computer instructions which when executed by the one or more processors, cause the one or more processors to perform the steps of: locking a first set of data in the first database; after locking the first set of data, requesting a ... of processes to obtain snapshot times from a database server associated with said first database, wherein the snapshot times cause all subsequent reads of the first database by the ... of processes to return data from the first database as of said snapshot times; waiting a particular period of time for the plurality of processes to be assigned snapshot times; releasing the locks on the first set of data in the first database; using a successful set of said plurality of processes to extract a copy of the first set of data from the first database, wherein said successful set includes only those processes of the plurality of processes that were assigned a snapshot time within the particular period of time; and storing the copy of the first set of data separate from said first set of data (see passages cited by Applicant himself, especially page 91, Snapshot files)."

Rdb does not specify the number of processes that may be used; Rdb does not teach "plurality of" processes to be requested. Nevertheless, the purpose of having a snapshot is to cause subsequent reads to return from the same state. Because a "read [as in the meaning as used in the claim]" may be broadly read [as in the meaning as in

patent law] as a “process”, having more than one read would suggest having more than one process.

While Rdb does not explicitly teach having more than one read, it was well known in the art to have more than one read for the motivation of retrieving the data in a consistent fashion. Thus, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to have modify Rdb to have such “plurality of” processes in such situation for the motivation specified in the previous sentences.

Regarding claims 38-41, these features are well known in the art for the purpose of executing such copying/moving data.

Regarding claim 42, Rdb teaches “A method of extracting data from a first database, the method comprising the steps of: causing a set of ... processes to obtain snapshot times that cause all subsequent reads of the first database by each process in the set of processes to return data from a same state of at least a portion of the first database as will be returned to all other processes in the set of processes; and causing the set of processes to extract a copy of the portion of the first database (see passages cited by Applicant himself, especially page 91, Snapshot files).”

Rdb does not specify the number of processes that may be used; Rdb does not teach “two or more”. Nevertheless, the purpose of having a snapshot is to cause subsequent reads to return from the same state. Because a “read [as in the meaning as used in the claim]” may be broadly read [as in the meaning as in patent law] as a “process”, having more than one read would suggest having more than one process.

While Rdb does not explicitly teach having more than one read, it was well known in the art to have more than one read for the motivation of retrieving the data in a consistent fashion. Thus, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to have modify Rdb to have such "two or more" processes in such situation for the motivation specified in the previous sentences.

Regarding claims 43-5, 61, 62-65, these features are well known in the art for the purpose of executing such copying/moving data.

Claims 66-75, 85, 86-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rdb.

Regarding claim 66, Rdb teaches "A computer-readable medium carrying one or more sequences of one or more instructions for extracting data from a first database, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors cause the one or more processors to perform the steps of: causing a set of ... processes to obtain snapshot times that cause all subsequent reads of the first database by each process in the set of processes to return data from a same state of at least a portion of the first database as will be returned to all other processes in the set of processes; and causing the set of processes to extract a copy of the portion of the first database (see passages cited by Applicant himself, especially page 91, Snapshot files)."

Rdb does not specify the number of processes that may be used; Rdb does not teach "two or more". Nevertheless, the purpose of having a snapshot is to cause subsequent reads to return from the same state. Because a "read [as in the meaning

as used in the claim]" may be broadly read [as in the meaning as in patent law] as a "process", having more than one read would suggest having more than one process.

While Rdb does not explicitly teach having more than one read, it was well known in the art to have more than one read for the motivation of retrieving the data in a consistent fashion. Thus, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to have modify Rdb to have such "two or more" processes in such situation for the motivation specified in the previous sentences.

Regarding claim 67 (attempts to obtain snapshot times, etc.), these features are well known in the art for the purpose of executing such copying/moving data. See passages cited by Applicant himself, especially page 91, Snapshot files Regarding claims 68-75, 85, 86-87, 89, these features are well known in the art for the purpose of executing such copying/moving data. Regarding claim 88, while this claim does recite deleting data from the second database, this claim does not actually recite an entire copy being separately stored in the second database separately from the first database.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to David Jung whose telephone number is (571) 272-3836  
or Greg Morse whose telephone number is (571) 272-3838.

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David Jung

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Patent Examiner

6/7/05

